

**CITY OF MILPITAS
APPROVED**

PLANNING COMMISSION MINUTES

March 22, 2006

**I.
PLEDGE OF
ALLEGIANCE**

Chair Williams called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

**II.
ROLL CALL**

Present: Azevedo, Ciardella, Galang, Mandal and Williams
Absent: Ali-Santosa and Tabladillo
Staff: Bejines, Carrington, Duncan, Pio Roda, Williams

**III.
PUBLIC FORUM**

Chair Williams invited members of the audience to address the Commission on any topic not on the agenda, noting that no response is required from the staff or Commission, but that the Commission may choose to agendize the matter for a future meeting.

There were no speakers from the audience.

**IV.
APPROVAL OF MINUTES
March 8, 2006**

Chair Williams called for approval of the minutes of the Planning Commission meeting of March 8, 2006.

Staff had no changes.

Motion to approve the March 8, 2006 minutes with the changes.

M/S: Galang/Azevedo

AYES: 5

NOES: 0

**V.
ANNOUNCEMENTS**

Tom Williams, Planning and Neighborhood Services Director, announced that the Commissioner's Recognition Event will be held on April 4, 2006 at 7 p.m. in the City Hall Council Chambers. He also announced that Richard Pio Roda, Assistant City Attorney, will be the lead council for the Planning Commission. He is replacing Kit Faubion who was on the Commission for approximately eight years.

Chair Williams welcomed Richard to the Commission and also gave personal recognition and acknowledgement to Kit Faubion who will be missed.

Chair Williams asked if the Commission has any conflict of interest on tonight's agenda.

There were no Commissioners that identified a conflict of interest.

**VI.
CONFLICT
OF INTEREST**

Chair Williams called for approval of the agenda.

Staff had no changes.

Motion to approve the agenda.

M/S: Galang/Azevedo

AYES: 5

NOES: 0

**VII.
APPROVAL OF
AGENDA**

**VIII.
CONSENT CALENDAR
Item Nos. 1, 2 and 3**

Chair Williams asked whether staff, the Commission, or anyone in the audience wished to remove or add any items to the consent calendar.

Staff noted that a memo was submitted for consent item no. 2 (Time Extension No. TE2006-1) that showed a letter was listed as an attachment but was not included with the commissioner's packets.

Commissioner Mandal requested that Item No. 6 be added to the consent calendar and the Commission agreed.

Chair Williams opened the public hearing on Consent Item Nos. 1, 2, 3 and 6.

There were no speakers from the audience.

Close the public hearing

Motion to close the public hearing on Consent Item Nos. 1, 2 and 6 and continue Item No. 3 to April 12, 2006.

M/S: Galang/Mandal

AYES: 5

NOES: 0

Motion to approve the consent calendar on Consent Item Nos. 1, 2, 3 and 6.

M/S: Azevedo/Galang

AYES: 5

NOES: 0

***1 USE PERMIT NO. UP2005-27 AND "S" ZONE APPROVAL AMENDMENT NO. SA2006-10 (Continued from March 8, 2006):** A request to locate six (6) panel antennas and four (4) associated equipment cabinets in the Great Mall Tower sign and install a roof top penthouse for the operation of the omnipoint T-Mobile network located at 447 Great Mall Drive. *(Recommendation: Approve with Conditions)*

***2 TIME EXTENSION NO. TE2006-1:** A request for a one time 18-month time extension for a new 47,990 square foot multi-purpose animal facility with associated site improvements located in the Ames Industrial Park at 901 Ames Avenue. *(Recommendation: Approve with Conditions)*

***3 MINOR TENTATIVE PARCEL MAP NO. MI2005-4:** A request for a two-lot subdivision of a .38 acre site located at 387 Rudyard Street. *(Recommendation: Continue to April 12, 2006)*

***6 USE PERMIT NO. UP2006-2:** A request for a temporary double-wide sales trailer and associated site improvements including a parking lot and landscaping for the KB Terra Serena podium multi-family sales facility located west of the O'Toole Elms on the east side of Abel Street located at 600 South Abbott. *(Recommendation: Approve with Conditions)*

**IX.
PUBLIC HEARING**

**1.
MAJOR TENTATIVE
PARCEL MAP NO.
MA2005-9, "S" ZONE
APPROVAL NO. SZ2005-
9 AND
ENVIRONMENTAL
IMPACT ASSESSMENT
NO. EA2005-11**

Kim Duncan, Junior Planner, presented Major Tentative Parcel Map No. MA2005-9, "S" Zone Approval No. SZ2005-9 and Environmental Impact Assessment No. EA2005-11 (continued from February 22, 2006). A request to demolish a 124,026 square foot industrial building and construct 12 new R&D buildings, totaling approximately 127,986 square feet, a tentative parcel map to subdivide into industrial condominiums, sign program, and site modification including the removal of protected trees, located at 1100 Cadillac Court. Ms Duncan recommended to adopt the initial study and mitigated negative declaration EA2005-11 and approve Major Tentative Parcel Map No. MA2005-9 and S zone application no. SZ2005-9.

Commissioner Ciardella asked if the existing trees would remain. Ms. Duncan said yes they will remain and there will be no additional planting. There is very mature vegetation and the residents were concerned about losing it.

Commissioner Mandal asked if the City operates the pump that goes into the lagoon. Ms. Duncan said yes and there are two pumps. The first pump is scheduled to go off when the water reaches ten feet, and the second pump is not only a backup but if the water continue to rise, it will activate.

Ernie Knobel, Vice President for Venture, 600 Miller Avenue, Mill Valley, said they were pleased to have the HOA meeting with the homeowners and felt they addressed all of their concerns. He said the majority of the homeowners had favorable comments however some did not want to reduce the construction times because they wanted the project built faster. Venture looked at providing attractive architecture to provide a good place for businesses to own their business. Currently, the building on the premises occupies 3.2 million cubic feet of air space and the Venture project will occupy 2.6 million cubic feet of air space.

Chair Williams opened the public hearing.

Brad Hall, 1161 N. Abbott Avenue, said that the HOA meeting was very productive and all of his questions were answered. He said that the building facing his home has a lot of windows and he wishes that they could work out the problem.

Jeff Whitman, 101 Race Street, Attorney for Avantech, said they reached an understanding with the applicant and there are agreements that need to be signed.

Close the public hearing

Motion to close the public hearing.

M/S: Azevedo/Mandal

AYES: 5

NOES: 0

Commissioner Mandal said he understands the attachments are available on the city's website and noted that they are also available in the lobby and asked if this was a new process.

Mr. Williams said it is a standard process.

Commissioner Mandal said that last time, he heard from the residents that they didn't have the proper materials for the meeting and asked if the information is published on the website and when is it published.

Mr. Williams said that it is posted on the website the Friday prior to the Planning Commission meeting that the whole packet is available. Mr. Williams said that he will provide a statement on the public hearing notices stating that the material will be available on the website.

Chair Williams suggested that staff note the ten day appeal also on the website.

In regards to condition no. 7 Commissioner Ciardella asked if there will be 24 inch box trees or 36 inch box trees available. Ms. Duncan said that the policy is 24 inch box trees however if the applicant wants to put in a larger box they can.

Commissioner Azevedo asked which building was Mr. Hall referring to that had a lot of windows and Ms. Duncan said building C.

Motion to approve Major Tentative Parcel Map No. MA2005-9, "S" Zone Approval No. SZ2005-9 and Environmental Impact Assessment No. EA2005-11 and recommend adoption of the negative declaration and approval with conditions.

M/S: Azevedo/Mandal

AYES: 5

NOES: 0

2.

USE PERMIT NO.
UP2005-20 AND "S"
ZONE APPROVAL
AMENDMENT NO.
SA2005-71

Kim Duncan, Junior Planner, presented Use Permit No. UP2005-20 and S Zone Approval Amendment No. SA2005-71. A request to amend the existing sign program with the addition of a new 15 foot 6 inch tall monument sign for Milpitas Center located at 10 South Abbott avenue and recommended approval with conditions. Ms. Duncan pointed out a clarifying memo that reads:

Please note sentence 3, paragraph 1 on page 4 should read: "The existing shopping center consists of 33,419 square feet of commercial retail space, therefore the amended sign multiplier for tenant signage would be 0.0365."

Commissioner Mandal asked if the monument sign would be located at the corner of Abbott Avenue and Calaveras Blvd. Ms. Duncan said that it would be located at the southwest entrance of Abbott Avenue and has a right turn in, right turn out only.

Commissioner Mandal said that staff has done a good analysis of the percentage of the space because the corner is very heavy for traffic going towards Calaveras Blvd. and entering I-880. He said the structure is 15 feet high and is very visible. He asked if a study has been done that could potentially obstruct the visibility of drivers driving on Calaveras.

Ms. Duncan said that the City Traffic Engineer reviewed the plans and didn't have any comments regarding any obstruction as far as visibility was concerned.

Commissioner Mandal said that it is a very nice shopping center and it is at a prominent corner of Milpitas and he would like to see enhancement to the area and would like to add a new landscaping condition.

Ms. Duncan said that staff is recommending enhancement landscaping to beautify the area however if the Commission wants to modify the condition they can.

Ms. Duncan showed photos of the project area on the overhead projector.

Commissioner Mandal added that there is landscaping there, however he felt that the area was not well kept and would like to see more landscaping.

Ms. Duncan said that there is already a landscaping condition that reads below:

2. Prior to the issuance of any building permit, the applicant shall submit to the Planning Division a revised landscape plan reflecting enhanced landscaping and associated irrigation on the project site to the satisfaction of the Planning Director. (P)

Chair Williams asked Commissioner Mandal if he is requesting more flowery bushes be added and said he needed clarification.

Further discussion ensued.

Commissioner Ciardella felt that the property owner and his crew are doing a good job taking care of the shopping center and he appreciates the flowers that are out there and felt that it looks beautiful.

Commissioner Azevedo said he appreciates the new sign and felt that the tenants would benefit from it. He doesn't think nothing should be done with the landscaping besides what staff has required.

Commissioner Galang asked if the enter sign will remain and Ms. Duncan said yes.

Chair Williams introduced the applicant.

Bill Cilker, 524 Vista Ridge Drive, said that he does not own the property at the corner of Calaveras and Abbott Avenue, however he does take care of the property for the owner and the flowers he puts out there are at his own cost. He said trying to replace 200 square feet of landscape is difficult because he has hardly enough parking spaces for his tenants and if he had to replace it would be in pots or taken out of parking stalls.

Commissioner Mandal asked who owns the property at Calaveras and Abbott and Mr. Cilker said that Robert Med who lives in Palo Alto owns the property.

Mr. Cilker showed the property map on the overhead projector and showed where the property line is.

Commissioner Azevedo asked if Mr. Cilker could add landscaping near the monument sign. Mr. Cilker said that he could do some improvements to enhance the area.

Commissioner Mandal suggested adding some potted plants.

Vice Chair Galang asked if Mr. Cilker could add the monument sign at the corner of Calaveras and Abbott and Mr. Cilker said the City would not allow it.

Ms. Duncan clarified that there is an existing sign there already for the paint store and the ordinance only allows one monument sign for frontage of a parcel and for a second monument sign if the frontage is greater than 300 feet.

Commissioner Ciardella pointed out that there are already potted plants in front of Mel's restaurant and asked if pots could be put in around the rest of the area.

Mr. Cilker said it would be difficult because they would all have to be hand watered.

Chair Williams opened the public hearing.

There were no speakers from the audience.

Close the public hearing

Motion to close the public hearing.

M/S: Azevedo/Galang

AYES: 5

NOES: 0

Mr. Williams suggested revising special condition no. 2 that reads below:

2. Prior to the issuance of any building permit, the applicant shall submit a revised landscape plan reflecting enhanced landscaping and associated irrigation on the project site to the Planning Commission Subcommittee for review and approval. (P, PC)

Motion to approved Use Permit No. UP2005-20 and S Zone Approval Amendment No. SA2005-71 with special conditions noted in the staff report and revised condition no. 2.

M/S: Azevedo/Ciardella

AYES: 5

NOES: 0

**X.
ADJOURNMENT**

The meeting was adjourned at 8:03 p.m. to the next regular meeting of April 12, 2006.

Respectfully Submitted,

Tom Williams
Planning and Neighborhood Services
Director

Veronica Bejines
Recording Secretary